

1 HONORABLE THOMAS S. ZILLY  
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8 **IN THE UNITED STATES DISTRICT COURT FOR  
9 THE WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE**

11 DAWN CARROLL, ANDREW COHEN,  
12 APRIL LESHO, DOUG PARISH, ROBYN  
13 RILEY, AND EDDIE WEST,

14 Plaintiffs,

15 v.

16 UNIVERSITY OF WASHINGTON,

17 Defendants.

18 No. 08-1498-TSZ

19 DECLARATION OF NOAH DAVIS IN  
20 SUPPORT OF PLAINTIFFS' OPPOSITION TO  
21 DEFENDANT'S MOTION TO COMPEL

22 **NOTE ON MOTION CALENDAR:**  
23 **March 26, 2010**

24 I, Noah Davis, do hereby state and declare as follows, that:

25 1. I am one of the attorneys representing the Plaintiffs in the above captioned case  
26 and have knowledge relating to the facts set forth below;

27 2. The Defendant's attorneys first contacted me in early February 2010 regarding a  
28 clarification relating to the 25 page initial disclosures which had been served on January 5, 2009  
(A True and Correct Copy of which are attached hereto as EXHIBIT A);

29 3. The initial disclosures (and responses to requests for production) included 4000+  
30 pages of Bates Stamped responsive documents that the Plaintiffs made available to the Defendant  
31 and that the Defendant copied in full;

32 Declaration of Noah Davis in Support of RESPONSE  
33 TO DEFENDANT'S MOTION TO COMPEL - 1

34 **IN PACTA PLLC**  
35 Lawyers  
36 801 2<sup>nd</sup> Ave Ste 307  
37 Seattle WA 98104  
38 206-709-8281  
39 Fax 206-860-0178

1       4. I immediately replied to the request from Defendant's attorney by discussing a  
 2 number of issues, including depositions, discovery and ER 408 protected matters;

3       5. Thereafter, the specific request for information relating to the initial disclosures  
 4 fell off the radars of both Parties as it was not addressed again until Adam Rosenberg contacted  
 5 me on February 25<sup>th</sup>;

6       6. I immediately responded to Mr. Rosenberg that I had to obtain the file from co-  
 7 counsel as I believed he had the bate-stamped documents that the initial disclosures referred to;

8       7. We scheduled a 26(i) for March 3, 2010, at which time I informed Mr. Rosenberg  
 9 that I believed that the five witnesses were named in error, and that the other documents he had  
 10 requested in his February 25, 2010 email had in fact been produced, but that I would nevertheless  
 11 continue to try and create a catalogue which cross-referenced the previously produced discovery  
 12 with the initial disclosures so everyone was on the same page;

13       8. And thus, I offered to go beyond just confirming that the documents were  
 14 produced (as the UW had said to us, under similar circumstances) (I had also asked Mr.,  
 15 Rosenberg if he knew of any missing bate stamp numbers as that would help me identify what he  
 16 may be missing, and Mr. Rosenberg responded by stating that he was not aware of missing  
 17 numbers, but that he could not confirm whether they were missing any numbers of not);

18       9. But I unequivocally informed Mr. Rosenberg by email and during our in-person  
 19 telephone call that the documents he sought had been produced and that the five named witness  
 20 statements were believed to have been named in error;

21       10. Mr. Rosenberg and I agreed that I would amend the initial disclosures to strike  
 22 these five witness statement references (though they also had not been named as actual  
 23 witnesses);

1 11. No deadline was provided for that amendment, and I believed that I would do it as  
 2 soon as I could (and did so on March 22, 2010 by serving the Defendants that amended list  
 3 electronically);

4 12. Again on March 10<sup>th</sup>, I confirmed with UW's counsel that I could find no  
 5 reference to the five witness statement in issue, but that I had produced the other requested  
 6 discovery;

7 13. Mr. Rosenberg and I engaged in a number of emails on this topic and I have  
 8 attached, as EXHIBIT B, true and correct copies of this email chain, which includes the  
 9 confirmation on March 10 that all documents have been produced and that the five missing  
 10 witness statements are not believed to exist and will be stricken;

11 14. Mr. Rosenberg then unilaterally set a March 11<sup>th</sup> at noon deadline for me to  
 12 produce the catalogue of cross-references from the 4000+ documents that he and I both had;

13 15. I informed Mr. Rosenberg that I would try but could not guarantee that result by  
 14 March 11<sup>th</sup> at noon;

15 16. My office had been working on the page by page review of the 4000+ documents  
 16 previously produced and were compiling a list during February and March just as we had pledged  
 17 to the Defendant that we would;

18 17. We were working as diligently as we could to provide this (over and above our  
 19 duty) list, and was nearing completion of it by March 11<sup>th</sup>;

20 18. Mr. Rosenberg then filed surprisingly filed this Motion since Mr. Rosenberg and I  
 21 had had already resolved (per our 26(i) conference) the issues regarding the five witness  
 22 statements and the fact that I confirmed production of the other documents;

23 19. Mr. Rosenberg and I had no discussion regarding the requests for production

1 served on each of the plaintiffs, for which answers were also provided to the Defendant  
 2 separately and in conjunction with the initial disclosures and thus, his exhibit and reference to  
 3 Interrogatories and Requests for Production is misplaced (except to the extent he references  
 4 production of the initial disclosures);

5 20. In any event, and to confirm again, all of the documents referenced in the initial  
 6 disclosures have been produced save reference to the five witness statements which were  
 7 apparently included in error and are unrelated to this case (as I believe one of our legal assistants  
 8 made a scriveners error in referencing those statements);

9 21. The allegedly "missing" documents are found at the following date stamp  
 10 numbers (and were previously produced at the Defendant's request in early 2009):

<u>Description of Various Pictures, Documents Letters and Other Information</u>	<u>Date Stamp #</u>
A. Lesho Emails re: Charity Opportunity	000084 - 000088
A. Lesho UCIRO Formal Complaint	000091
UWPD Collective Bargaining Agreement	000103 - 000131
UWPD Disciplinary Procedure	000135 - 000160
A. Lesho UW Investigation File: Do Not Ticket Investigation	000168 - 000262
Emails re: Do Not Ticket Investigation	000170 - 000205
Monthly Calendar for A. Lesho	000210 -000220
A. Lesho's Do Not Ticket Log	000221 - 000257
D. Carroll Performance Appraisal	000263 - 000395
D. Carroll Leave of Absence with Pay	000397 - 000399
D. Carroll Position Profile	000418 - 000421
D. Carroll Shared leave request	000434 - 000435
D. Carroll Request for Approval of Outside Work	000436 - 000440
E. West HR Personnel File	000441 - 000595
E. West Formal Counseling/Action Plans	000444 - 000468; 000472 - 000475; 000516 - 000537; 000541 - 000575
E. West Temporary Salary Increase	000477 - 000484
E. West Application for Position	000497 - 000514
E. West Internal Investigation	000538
E. West Performance Appraisal	000596 - 000609

1	A. Cohen UCIRO Claim Investigation	000610 - 000988
2	A. Cohen HR Personnel File	001175 - 001252
3	A. Cohen UW Police Dept Performance Note	001253 - 001313
4	D. Parish Formal Investigation File	001314 - 001534
5	R. Riley History and Commendation	001535 - 001673
6	A. Lesho HR Personnel File	001674 - 001754
7	D. Parish Tort Claim Form	001755 - 001767
8	A. Lesho Tort Claim Form	001768 - 001775
9	E. West Tort Claim Form	001776 - 001781
10	R. Riley Tort Claim Form	001782 - 001788
11	A. Cohen Tort Claim Form	001789 - 001796
12	D. Carroll Tort Claim Form	001797 - 001802
13	R. Riley Step 2 Grievance Response	001803 - 001853
14	D. Carroll HR Personnel File	001854 - 001924
15	A. Lesho Interoffice Memo Re: Disciplinary Action	001925 - 001927
16	E. West Nomination for Employee of the Year 2006	001928
17	D. Carroll UW Police Dept Performance Note	001929 - 001948
18	D. Carroll UW Training Assessment Form	001949 - 001950
19	D. Carroll UW Police Dept Performance Note	001951
20	D. Carroll Performance Appraisal	001952 - 001953
21	R. Riley Performance Appraisal	001954 - 001955
22	D. Carroll Sexual Harassment Complaint	001956 - 001981
23	D. Carroll UW Police Dept Performance Note	001982 - 001995
24	R. Riley Leave Request/Time Accrual	001996 - 002019
25	D. Parish Internal Investigation Findings & Recommendations	002020 - 002026
26	2003 Employee Satisfaction Survey	002027 - 002073
27	R. Riley CAD & Miscellaneous Issues	002074 - 002080
28	A. Cohen Lunch Room Swastika Photo	002081 - 002082
	Jurisdiction Comparison Charts & Job Descriptions	002083 - 002096
	D. Carroll/R. Riley	
	Email Correspondences with UW & Each Other	002144 - 002781
	E. West Internal Investigation	002782 - 002790
	R. Riley Investigation Complaint: Sgt O'Laughlin v. Riley	002791 - 002920
	D. Carroll Resume	002922 - 002923
	D. Carroll Photocopies Journal	002924 - 002939
	D. Carroll Email	002940 - 002943
	D. Carroll Letter Regarding Informal Counseling	002944 - 002945
	A. Cohen Email Re: Swastika	002946 - 002947
	R. Riley Personnel File	002948 - 003043
	D. Carroll Email Correspondences	003044 - 003329
	D. Carroll Rebuttal to Supervisor Position	003330 - 003337
	D. Parish UW Complaint File	003338 - 003559
	A. Cohen Lunch Room Swastika Photo	003560
	A. Cohen Email Correspondences	003561 - 003623

1	A. Cohen Dept of L&I Worker Injury Form	003624
2	A. Cohen UW Office of Risk Management re: Injury	003625
3	A. Cohen Degrees & Transcripts	003626 -003633
4	A. Cohen University Complaint Investigation and Resolution Office - Investigation & Records (Copy)	003634 -004209
	Letter to April Lesho from Lynell Ray	000102

5 Description of Unidentified Written Statement

6	Dawn Carroll's Written Journal Entries	<u>Bate Stamp #</u> 002097 - 002143
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7 Termination Letter

8 "A. Lesho's Resignation Letter" found at 000069 - 000083; and

9 Letter from UW Regarding the Resignation of D. Parish (found at Bate Stamp # 003392).

10 22. For these reasons, the Plaintiffs respectfully request that Plaintiff's Motion to  
11 Compel be denied. And, if any terms are awarded, it should be (\$500) to the Plaintiffs' attorney  
12 for spending 2.5 hours in responding to this motion (at \$200/hr). (The 8 hours of time it took to  
13 review the discovery for the "allegedly missing discovery" is not included in this figure).

14 23. I believe this Motion to be without basis as the document had been produced (and  
15 confirmed produced to the Defendant) and the five missing witness statements were confirmed to  
16 have been included in error and agreed as between counsel to be stricken before the filing of this  
17 Motion;

18 24. I spent 2.5 hours responding to this Motion and my normal rate is \$200/hr.

19 25. We respectfully request that the Motion be Denied.

20 I declare under the penalty of perjury under the laws of the State of Washington that the  
21 foregoing is true and correct to the best of my knowledge.

22 Signed at Seattle Washington, 3/22/2010

23  
24  
25  
26  
27  
28

Noah C. Davis, WSBA#30939

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAWN CARROLL, ANDREW COHEN, ) CASE No. Civ: 08-01498-TSZ  
APRIL LESHO, DOUG PARISH, )  
ROBYN RILEY, and EDDIE WEST )

Plaintiffs, ) **PLAINTIFF'S INITIAL DISCLOSURES**  
) **PURSUANT TO F.R.C.P. 26**

v.

UNIVERSITY OF WASHINGTON,  
Corporation

## Defendants.

TO: ANDREW COOLEY AND JAYNE FREEMAN  
ATTORNEYS FOR DEFENDANTS

Specifically reserving the right to update, supplement and amend these disclosures, and basing these disclosures upon the information reasonably available to the Plaintiffs and counsel at the time these disclosures are made, Plaintiffs provide these Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1):

#### A. Witnesses

## 1. Parties

a. Plaintiff Robyn Riley

Phone: (206) 543-0507

Address: 1117 NE Boat

Address: 1117 NE Boat St, Seattle, WA 98105

PLAINTIFFS INITIAL DISCLOSURES  
Carroll et. al. v. UW

**IN PACTA PLLC**  
801 2<sup>ND</sup> AVE STE 307  
Seattle, Washington 98104  
Telephone (206) 709-8281  
Facsimile (206) 860-0178

1       The Plaintiff has information regarding all aspects of her case, Plaintiff Dawn Carroll's  
2 case, as well as many of the allegations set forth in the Complaint relating to the other Plaintiffs.

3       b. Plaintiff Dawn Carroll

4           Phone: (206) 543-0507

5           Address: 1117 NE Boat St, Seattle, WA 98105

6       Ms Carroll has information regarding all aspects of her case as well as some of the  
7 allegations made by Doug Parish.

8       c. Plaintiff Doug Parish

9           Phone: (206) 543-0507

10          Address: 1117 NE Boat St, Seattle, WA 98105

11       Mr. Parish has information regarding all aspects of his case.

12       d. Plaintiff Eddie West

13           Phone: (206) 543-0507

14          Address: 1117 NE Boat St, Seattle, WA 98105

15       Mr. West has information regarding all aspects of his case, as well as at least one  
16 remark made to Plaintiff Doug Parish and information supporting Plaintiff Cohen's claims.

17       e. Plaintiff April Lesho

18           Baltimore, Maryland

19           Phone: (206) 930-0008

20       f. Plaintiff Andrew Cohen

21           Phone: (206) 543-0507

22          Address: 1117 NE Boat St, Seattle, WA 98105

23       Mr. Cohen has information regarding all aspects of his case.

e. 30(b)(6) Defendants University of Washington and University of Washington Police Department, as well as fact witnesses from the University of Washington Police Department.

f. 30(b)(6) University of Washington Human Resources Personnel, and any fact witness.

2. Any current or former employees of University of Washington and University of Washington Police Department, including, but not limited to:

a. Jessie Garcia, Asst. VP Human Resources Operations

Phone: (206) 543-6330

Address: UW Human Resources, 1320 NE Campus Pkwy, Seattle, WA 98105

Ms. Garcia has knowledge regarding the discriminatory practices of the UWPD. As well as information regarding Plaintiffs' employment with UW, interaction with other employees and management; UW's policies and practices, remedial steps taken by the Defendant if any, and the disciplinary actions taken against Plaintiff

b. Peter Denis, Project Appointment Labor Relations

Phone: (206) 841-2872

Address: 9321 NE Helmsman Ct., Bainbridge Island 98110

Mr. Denis may have relevant information regarding the acts of discrimination against Plaintiffs, as well as information concerning Plaintiff's employment with UW, interaction with other employees and management; UW's policies and practices, remedial steps taken by Defendant if any, and the disciplinary actions taken against Plaintiff.

c. Anneke Szyperski, Human Resources Consultant

Phone: (206) 685-7575

Address: UW Human Resources, 1320 NE Campus Pkwy. Seattle, WA 98105

1 Ms. Szyperski may have relevant information regarding the acts of discrimination  
 2 against Plaintiffs as well as information concerning Plaintiffs' employment with UW, interaction  
 3 with other employees and management; UW's policies and practices, remedial steps taken by  
 4 Defendant if any, and the disciplinary actions taken against Plaintiff.

5 d. Karen Sutherland, Project Appointment Legal Consultant

6 Phone: (206) 447-7000

7 Address: Ogden Murphy Wallace 1601 5<sup>th</sup> Ave Suite 2100, Seattle, WA 98101

8 Mr. Eric Godfrey invited Ms. Sutherland to conduct investigations relating to the  
 9 practices of the UWPD, as well as individual allegations made by employees of the UWPD.

10 e. Jon Payne, Project Appointment Legal Counsel

11 Phone: (206) 607-4165

12 Address: Carney Bradley Spellman 701 5<sup>th</sup> Ave Suite 3600, Seattle, WA 98101

13 Mr. Payne conducted extensive interviews of UWPD department members over several  
 14 months and then issued a report as to what he learned.

15 f. Kristi Johnson, Sr. Investigation & Resolution Specialist, UCIRO

16 Phone: (206) 616-4714

17 Address: UW Human Resources, 1320 NE Campus Pkwy, Seattle, WA 98105

18 Ms. Johnson conducted a UCIRO investigation of Debi Michael in December 2007 as a  
 19 result of an EEOC complaint by one of the dispatchers. Several of the dispatchers were  
 20 interviewed including Plaintiff, Robyn Riley.

21 g. Heather Bliss, Human Resources Consultant

22 Phone: (206) 685-7578

23 Address: UW Human Resources, 1320 NE Campus Pkwy, Seattle, WA 98105

24 Ms. Bliss have relevant information regarding the acts of discrimination against  
 25 Plaintiffs, as well as information concerning Plaintiffs' employment with UW, interaction with

1 other employees and management; UW's policies and practices, remedial steps taken by  
 2 Defendant if any, and the disciplinary actions taken against Plaintiffs.

3 h. Raymond Wittmier, Interim Chief of Police

4 Phone: (206) 543-0507

5 Address: 1117 NE Boat St, Seattle, WA 98105

6 Mr. Wittmier was involved in or apprised of all discrimination, retaliation, and harassment  
 7 complaints throughout the department, including complaints regarding UWPD command staff  
 8 and officers and staff.

9 i. Ralph Robinson, Asst. Chief of Police

10 Phone: (206) 543-0507

11 Address: 1117 NE Boat St, Seattle, WA 98105

12 Mr. Robinson conducted an internal investigation regarding the discrimination by Debi  
 13 Michael. Mr. Robinson conducted a workplace violence investigation with Debi Michael as the  
 14 subject. Robinson is also aware of other complaints about Debi Michael, Sean O'Laughlin, and  
 15 Lt. Peter Celms. Mr. Robinson and relevant information regarding the acts of discrimination  
 16 against Plaintiffs Robyn Riley, Doug Parish and Dawn Carroll as well as information concerning  
 17 Plaintiffs employment with UW, interaction with other employees and management; UW's  
 18 policies and practices, remedial steps taken by Defendant if any, and the disciplinary actions  
 19 taken against Plaintiffs.

20 j. Richard Lewis, Interim Asst. Chief of Police

21 Phone: (206) 543-0507

22 Address: 1117 NE Boat St, Seattle, WA 98105

23 Plaintiff, Robyn Riley complained to Mr. Lewis regarding harassment and discrimination  
 24 by Debi Michael when Mr. Lewis was her acting supervisor. Mr. Lewis also have relevant  
 25 information regarding the acts of discrimination against other Plaintiffs as well as information  
 26

1 concerning Plaintiffs' employment with the UW, interaction with other employees and  
 2 management; UW's policies and practices, remedial steps taken by Defendant if any, and the  
 3 disciplinary actions taken against Plaintiffs.

4                   k. Craig Wilson, Lieutenant Patrol Operations

5                   Phone: (206) 543-0507

6                   Address: 1117 NE Boat St, Seattle, WA 98105

7                   Mr. Wilson received numerous reports of illegal and inappropriate workplace conduct by  
 8 Debi Michael. Wilson is also aware of numerous conduct issues with Sgt. Sean O'Laughlin. Mr.  
 9 Wilson refused to interview a witness to a false charge of insubordination against Plaintiff Robyn  
 10 Riley by Debi Michael. Mr. Wilson also has information regarding the practice and policies of  
 11 the UWPD as well as disciplinary action taken and not taken against UWPD employees. Mr.  
 12 Wilson also has relevant information relating to Plaintiff Parish's claims.

13                   l. Peter Celms, Lieutenant Patrol Operations

14                   Phone: (206) 543-0507

15                   Address: 1117 NE Boat St, Seattle, WA 98105

16                   Mr. Celms is the subject of numerous complaints internally and externally, and has  
 17 knowledge about discrimination and retaliation against each of the Plaintiffs, and other UWPD  
 18 employees and the practices and policies of the UWPD generally.

19                   m. Vicky Stormo, Former Chief of Police

20                   Phone: number not known

21                   Address: address not known

22                   Ms. Stormo has knowledge about each of Plaintiffs' claims, and either participated in  
 23 acts of discrimination against Plaintiff, Robyn Riley and acts of sexual harassment against April  
 24 Lesho or permitted them to occur. Ms. Stormo has information relating to the UWPD policies  
 25

1 and procedures and the conduct of UWPD supervisors. Ms. Stormo was aware of complaints  
 2 and investigations of illegal discrimination and other wrongdoing throughout the department.

3       n. Debi Michael, Dispatch Supervisor

4           Phone: (206) 543-0507

5           Address: 1117 NE Boat St, Seattle, WA 98105

6           Ms. Michael participated in acts of discrimination and retaliation against Plaintiff  
 7 Robyn Riley. Ms. Michael has information concerning Plaintiff Riley's employment with UW,  
 8 interaction with other employees and management; UW's policies and practices, remedial steps  
 9 taken by Defendant if any, and the disciplinary actions taken against Plaintiff Riley. Ms. Michael  
 10 has information regarding Plaintiff West.

11       o. Sean O'Laughlin, Patrol Sergeant

12           Phone: (206) 543-0507

13           Address: 1117 NE Boat St, Seattle, WA 98105

14           Mr. O'Laughlin filed a false complaint against Plaintiff, Robyn Riley, alleging Plaintiff  
 15 engaged in inappropriate conduct in the workplace. Mr. O'Laughlin is believed to have a  
 16 history of internal investigations into his conduct and has information relating to the Plaintiffs'  
 17 claims.

18       p. Henry Beleford, Campus Security Manager

19           Phone: (206) 543-0507

20           Address: 1117 NE Boat St, Seattle, WA 98105

21           Mr. Beleford has relevant information regarding the acts of discrimination against  
 22 Plaintiffs as well as information concerning Plaintiffs' employment with UW, interaction with  
 23 other employees and management; UW's policies and practices, remedial steps taken by  
 24 Defendant if any, and the disciplinary actions taken against Plaintiff.

25       q. Kaye Shea, Patrol Sergeant

1 Phone: (206) 543-0507

2 Address: 1117 NE Boat St, Seattle, WA 98105

3 Ms. Shea has relevant information regarding the acts of discrimination against Plaintiffs,  
4 Robyn Riley and Dawn Carroll as well as information concerning Plaintiffs' employment with  
5 UW, interaction with other employees and management; UW's policies and practices, remedial  
6 steps taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

7 r. Tawan Pratt-Wieberg, Patrol Sergeant

8 Phone: (206) 543-0507/206.543.9331

9 Address: 1117 NE Boat St, Seattle, WA 98105

10 Ms. Pratt-Wieberg has relevant information regarding the acts of discrimination  
11 against Plaintiffs as well as information concerning Plaintiffs' employment with UW and the  
12 policies and practices of the UWPD. Ms. Pratt-Wieberg was present when several certain  
13 racially motivated comments were made toward Black people in the workplace.

14 s. Cindy Gobel, Former Dispatch Supervisor

15 Phone: (206) 543-0507

16 Address: 230? Lombard Ave, Everett, WA 98201

17 Ms. Gobel has relevant information regarding the acts of discrimination against Plaintiff  
18 Robyn Riley, Eddie West and Doug Parish as well as information concerning Plaintiff Riley and  
19 West's employment with UW, interaction with other employees and management; UW's policies  
20 and practices, remedial steps taken by Defendant if any, and the disciplinary actions taken  
21 against Plaintiffs.

22 t. Lynda Pease, Admin Assistant

23 Phone: (206) 543-0507

24 Address: 1117 NE Boat St, Seattle, WA 98105

25 Ms. Pease may have relevant information regarding the acts of discrimination against  
26 Plaintiffs as well as information concerning Plaintiffs' employment with UW, interaction with  
PLAINTIFFS INITIAL DISCLOSURES

Carroll et. al. v. UW

IN PACTA PLLC  
801 2<sup>ND</sup> AVE STE 307  
Seattle, Washington 98104  
Telephone (206) 709-8281  
Facsimile (206) 860-0178

1 other employees and management; UW's policies and practices, remedial steps taken by  
 2 Defendant if any, and the disciplinary actions taken against Plaintiff.

3 u. Lynell Ray, Patrol Officer

4 Phone: (206) 543-0507/543.9331

5 Address: 1117 NE Boat St, Seattle, WA 98105

6 Lynell Ray may have relevant information regarding the acts of discrimination against  
 7 Plaintiff Riley and Doug Parish as well as information concerning other Plaintiff's employment  
 8 with UW, interaction with other employees and management; UW's policies and practices,  
 9 remedial steps taken by Defendant if any, and the disciplinary actions taken against the  
 10 Plaintiffs, including information relating to Andrew Cohen's claims.

11 v. Chandra Reiter, Police Dispatcher

12 Phone: (206) 543-0507

13 Address: 1117 NE Boat St, Seattle, WA 98105

14 Ms. Reiter has witnessed harassment, discrimination, and retaliation in the workplace by  
 15 Debi Michael and has first hand knowledge regarding the stolen dog incident.

16 w. Kelly Miller, Police Dispatcher

17 Phone: (206) 543-0507

18 Address: 1117 NE Boat St, Seattle, WA 98105

19 Ms. Miller has witnessed harassment, discrimination, and retaliation in the workplace by  
 20 Debi Michael and has first hand knowledge regarding the stolen dog incident.

21 x. Keith Tidwell, Former Police Dispatcher

22 Phone: Number not known

23 Address: Address not known.

24 Mr. Tidwell had witnessed harassment, discrimination, and retaliation in the workplace.

25 z. Tom Jones, Former Police Dispatcher

1 Phone: Number not known

2 Address: Address not known

3 Mr. Jones had witnessed harassment, discrimination, and retaliation in the workplace.

4 aa. Gloria Galloway, Patrol Officer

5 Phone: (206) 543-0507

6 Address: 1117 NE Boat St, Seattle, WA 98105

7 Ms. Galloway has witnessed discrimination in the workplace. She also has witnessed  
8 the effects of harassment against Plaintiffs Riley and Carroll.

9 bb. Anthony Stewart, Patrol Officer

10 Phone: (206) 543-0507

11 Address: 1117 NE Boat St, Seattle, WA 98105

12 Mr. Stewart has witnessed discrimination in the workplace. Mr. Stewart has relevant  
13 information regarding the acts of discrimination against Plaintiffs, as well as information  
14 concerning Plaintiffs' employment with UW, interaction with other employees and management;  
15 UW's policies and practices, remedial steps taken by Defendant if any, and the disciplinary  
16 actions taken against Plaintiffs.

17 cc. Nicole Robertson, Program Coordinator Commuter Services

18 Phone: (206) 543-9008

19 Address: 3901 University Way NE, Seattle, WA 98105

20 Ms. Robertson was present at an informal counseling session with Plaintiff Robyn Riley  
21 and Debi Michael. She also witnessed wrongdoing by Mr. Sean O'Laughlin.

22 dd. Merle Davis, Patrol Officer

23 Phone: (206) 543-0507

24 Address: 1117 NE Boat St, Seattle, WA 98105

25 Ms. Davis has witnessed discrimination and offensive conduct within the department.

1 ee. Greg Dutton, Property Officer

2 Phone: (206) 543-0507

3 Address: 1117 NE Boat St, Seattle, WA 98105

4 Mr. Dutton has information at least regarding Plaintiff Robyn Riley's claims.

5 dd. Scott Baebler, Asst. Athletic Director

6 Phone: (206) 543-8105

7 Address: 219 Graves Building, Seattle, WA 98105

8 Mr. Baebler may have relevant information regarding the acts of discrimination against  
9 Plaintiffs as well as information concerning Plaintiffs' employment with UW, interaction with  
10 other employees and management; UW's policies and practices, remedial steps taken by  
11 Defendant if any, and the disciplinary actions taken against Plaintiff. Mr. Baebler provided  
12 gratuities for UWPD command staff.

13 ee. Ida Kovacic, SEIU 925 Union Organizer Representative

14 Phone: (206) 322-3010

15 Address: 3647 Stone Way N., Seattle, WA 98104

16 Ms. Kovacic was a witness to disciplinary actions taken against Plaintiff, Robyn Riley.

17 Ms. Kovacic may also have relevant information regarding the acts of discrimination against  
18 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
19 interaction with other employees and management; UW's policies and practices, remedial steps  
20 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

21 ff. Henry Belefond, UWPD

22 Phone: (206) 543-9775

23 Address: 1117 NE Boat Street Seattle, WA 98105

24 Mr. Belefond may have relevant information regarding the acts of discrimination against

25 Plaintiff, Dawn Carroll as well as information concerning Plaintiff Carroll's employment with UW,

1 interaction with other employees and management; UW's policies and practices, remedial steps  
 2 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

3 gg. Gloria Galloway, UWPD

4 Phone: (206) 616-7870

5 Address: 1117 NE Boat Street Seattle, WA 98105

6 Ms. Galloway may have relevant information regarding the acts of discrimination against  
 7 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
 8 interaction with other employees and management; UW's policies and practices, remedial steps  
 9 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

10 hh. Leif Granrud, UWPD

11 Phone: (206) 616-7885

12 Address: 1117 NE Boat Street Seattle, WA 98105

13 Mr. Granrud may have relevant information regarding the acts of discrimination against  
 14 Plaintiffs Dawn Carroll and Doug Parish as well as information concerning Plaintiffs'  
 15 employment with UW, interaction with other employees and management; UW's policies and  
 16 practices, remedial steps taken by Defendant if any, and the disciplinary actions taken against  
 17 Plaintiffs.

18 ii. Cham Kao, UWPD

19 Phone: (206) 685-5258

20 Address: 1117 NE Boat Street Seattle, WA 98105

21 Ms. Kao may have relevant information regarding the acts of discrimination against  
 22 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
 23 interaction with other employees and management; UW's policies and practices, remedial steps  
 24 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

25 jj. Willie Bergin, UWPD

1 Phone: (206) 543-9331

2 Address: 1117 NE Boat Street Seattle, WA 98105

3 Mr. Bergin may have relevant information regarding the acts of discrimination against  
4 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
5 interaction with other employees and management; UW's policies and practices, remedial steps  
6 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

7 kk. Christine Robinson

8 Phone: (206) 296-9185

9 Address: 1117 NE Boat Street Seattle, WA 98105

10 Ms. Robinson may also have relevant information regarding the acts of discrimination  
11 against Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
12 interaction with other employees and management; UW's policies and practices, remedial steps  
13 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

14 II. Mary Novak

15 Phone: (206) 932-8702

16 Address: 5605 25<sup>th</sup> Avenue SW Seattle, WA 98106

17 Ms. Novak may have relevant information regarding the acts of discrimination against  
18 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
19 interaction with other employees and management; UW's policies and practices, remedial steps  
20 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

22 mm. Frank Davis, UW Human Resources

23 Phone: (206) 685-3698

24 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

25 Mr. Davis may have relevant information regarding the acts of discrimination against  
26 Plaintiffs Dawn Carroll and Doug Parish as well as information concerning Plaintiffs'

1 employment with UW, interaction with other employees and management; UW's policies and  
2 practices, remedial steps taken by Defendant if any, and the disciplinary actions taken against  
3 Plaintiffs.

4 nn. Joanie Moran, UW Human Resources

5 Phone: (206) 685-2528

6 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

7 Ms. Moran may have relevant information regarding the acts of discrimination against  
8 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
9 interaction with other employees and management; UW's policies and practices, remedial steps  
10 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

11 oo. Erin Rice, UW Human Resources

12 Phone: (206) 685-3698

13 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

14 Ms. Rice may have relevant information regarding the acts of discrimination against  
15 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
16 interaction with other employees and management; UW's policies and practices, remedial steps  
17 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

19 pp. Caroline Carrin, UW Human Resources

20 Phone: (206) 685-7577

21 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

22 Ms. Carrin may have relevant information regarding the acts of discrimination against  
23 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
24 interaction with other employees and management; UW's policies and practices, remedial steps  
25 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

26 qq. Heather Bliss, UW Human Resources

1 Phone: (206) 685-3698

2 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

3 Ms. Bliss may have relevant information regarding the acts of discrimination against  
4 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
5 interaction with other employees and management; UW's policies and practices, remedial steps  
6 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

7 rr. Nicki McGraw, UW Human Resources

8 Phone: (206) 744-9222

9 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

10 Ms. McGraw may have relevant information regarding the acts of discrimination against  
11 Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
12 interaction with other employees and management; UW's policies and practices, remedial steps  
13 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

14 ss. Marie Fjellangez, UW Human Resources

15 Phone: (206) 685-3698

16 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

17 Ms. Fjellangez may have relevant information regarding the acts of discrimination  
18 against Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
19 interaction with other employees and management; UW's policies and practices, remedial steps  
20 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

21 tt. David Gintz, UW Human Resources

22 Phone: (206) 685-4626

23 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

24 Ms. Fjellangez may have relevant information regarding the acts of discrimination  
25 against Plaintiff, Dawn Carroll as well as information concerning Plaintiffs' employment with UW,  
26

1 interaction with other employees and management; UW's policies and practices, remedial steps  
2 taken by Defendant if any, and the disciplinary actions taken against Plaintiffs.

3 uu. Eric Davis

4 Phone: (206) 685-4626

5 Mr. Davis have relevant information regarding the acts of discrimination against Plaintiff,  
6 Dawn Carroll as well as information concerning Plaintiffs' employment with UW, interaction with  
7 other employees and management; UW's policies and practices, remedial steps taken by  
8 Defendant if any, and the disciplinary actions taken against Plaintiffs.

9 vv. Andrea Herra-Katahira, UCIRO

10 Phone: (206) 616-8239

11 Address: 4311 11<sup>th</sup> Avenue NE

12 Ms. Herra-Katahira have relevant information regarding the acts of discrimination against  
13 Plaintiffs as well as information concerning Plaintiff's employment with UW, interaction with  
14 other employees and management; UW's policies and practices, remedial steps taken by  
15 Defendant if any, and the disciplinary actions taken against Plaintiff.

16 ww. Jenny P. Merritt, Records Supervisor – Bothell Police Dept.

17 Phone: (425) 487-5121

18 Address: 18410 101<sup>st</sup> Avenue NE Bothell, WA 98011

19 Ms. Merritt have relevant information regarding the acts of discrimination against  
20 Plaintiff, Dawn Carroll as well as information concerning Plaintiff Carroll's employment with UW.

21 xx. Jeff Richards, Records Lead – Tukwila Police Dept.

22 Phone: (206) 433-1808

23 Address: 6200 Southcenter Boulevard Tukwila, WA 98188-2544

24 Mr. Richards may have relevant information concerning Plaintiff's employment with UW.

25 yy. Todd Price, UWPD

1 Phone: (206) 543-9331

2 Address: 1117 NE Boat Street Seattle, WA 98105

3 Officer Price has information relating to at least Andrew Cohen's claims, as well as the  
4 policies and procedures of the UW Police Department.

5 zz. Michael Smerer, Centralia P.D.

6 Phone: (360) 330-7680

7 Address: 118 W. Maple St., PO Box 609, Centralia WA 98531

8 Officer Smerer has information relating to at least Andrew Cohen's claims, as well as the  
9 policies and procedures of the UW Police Department.

10 aaa. Mark Farrell, Wyoming Sheriff's Office

11 Phone: (425) 345-7241

12 Address: unknown

13 Officer Farrell has information relating to at least Andrew Cohen's claims, as well as the  
14 policies and procedures of the UW Police Department.

15 bbb. Sara Brew

16 Phone: (307) 360-8100

17 Address: unknown

18 Officer Brew has information relating to at least Andrew Cohen's claims, as well as the  
19 policies and procedures of the UW Police Department.

20 ccc. Kevin Kilpatrick

21 Phone: (206) 300-1413

22 Officer Kilpatrick has information relating to at least Andrew Cohen's claims, as well as  
23 the policies and procedures of the UW Police Department.

24 ddd. Sandy Cable (former UWPD dispatcher)

25 Phone: unknown

26 Address: unknown (Community Transit Snohomish County)

1 Ms. Cable made a discriminatory remark in the presence of others.

2 eee. Shawna Woodard

3 Phone: (206) 543-9331

4 Address: 1117 NE Boat St, Seattle, WA 98105

5 Ms. Woodard has witnessed discrimination and offensive conduct in the workplace at the  
6 UWPD.

7 fff. Gayle Gray

8 Phone: (206) 543-0507

9 Address: 1117 NE Boat St, Seattle, WA 98105

10 Ms. Gray made discriminatory comments in the presence of others.

11 ggg. Dave Fontenot

12 Phone: (206) 543.9331

13 Address: 1117 NE Boat St, Seattle, WA 98105

14 Mr. Fontenot has information regarding the practices and policies of the University of  
15 Washington Police Department as well as information regarding one or more of the Plaintiffs.

16 hhh. Amy Hawkins

17 Phone: (206) 685-4626

18 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

19 Ms. Hawkins has information relating to the Plaintiffs' claim, as she may have  
20 investigated one or more claims. Ms. Hawkins is also familiar with the policies and procedures  
21 of the UW and the UWPD.

22 iii. Caroline Currin

23 Phone: (206) 685-4626

24 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

1 Ms. Currin has information relating to the Plaintiffs' claim, as she may have investigated  
2 one or more claims. Ms. Currin is also familiar with the policies and procedures of the UW and  
3 the UWPD.

4 jjj. Linda Anderson

5 Phone: (206) 685-4626

6 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

7 Ms. Anderson has information relating to the Plaintiffs' claim, as she may have  
8 investigated one or more claims. Ms. Anderson is also familiar with the policies and procedures  
9 of the UW and the UWPD.

10 III. Anneke Szyperski

11 Phone: (206) 685-4626

12 Address: 1320 NE Campus Parkway Seattle, WA 98105-6207

13 Ms. Szyperski has information relating to the Plaintiffs' claim, as she may have  
14 investigated one or more claims. Ms. Szyperski is also familiar with the policies and procedures  
15 of the UW and the UWPD.

16 mmm. Todd Bowman, Redmond P.D.

17 Phone: (425) 556-2500

18 Address: 8701 160<sup>th</sup> Ave NE, Redmond WA 98073

19 Mr. Bowman is a former employee of UWPD and has witnessed discrimination.

20 nnn. Zack Smalls, Tacoma P.D.

21 Phone: (253) 591-5900

22 Address: 3701 South Pine, Tacoma WA 98409

23 Mr. Smalls is a former employee of the UWPD and has witnessed discrimination.

24 ooo. Steve Steiner, Former UWPD Officer

25 Phone: unknown

1 Address: unknown

2 Mr. Steiner made racist comments in front of other officers.

3 ppp. Annette Spicuzza (former assistant Chief UWPD)

4 Phone: (530) 752-3113

5 Address: One Shields Ave, Davis CA 95616

6 Ms. Spicuzza investigated one or more of the complaints made by the Plaintiffs,  
7 including that of Sandy Cable.

8 qqq. Garnell Stewart, Former UWPD Officer

9 Phone: unknown

10 Address: unknown (may be an officer in Virginia)

11 3. Treating Physicians for Plaintiff Robyn Riley

12 a. Thomas King, MD

13 Phone: 206-860-2348

14 Address: 11011 Meridian Ave. N. Seattle, WA 98133

15 Dr. King may have relevant information relating to damages and the type of injuries  
16 suffered by Plaintiff Riley as a result of her employment with and treatment by the Defendant.

17 b. Patrizia Showell, M.D.

18 Phone: 206-860-3111

19 Address: 1145 Broadway Seattle, WA 98122

20 Dr. Showell may have relevant information relating to damages and the type of injuries  
21 suffered by Plaintiff Riley as a result of her employment with and treatment by the Defendant.

22 c. Dr. Tony Steger

23 Tahoma Counseling Service

24 Phone: 253-572-5035

25 Address: 20 N. Tacoma Ave. #B, Tacoma, WA 98403

1 Dr. Steger may have relevant information relating to damages and the type of injuries  
2 suffered by Plaintiff Riley as a result of her employment with and treatment by the Defendant.

3 d. Dr. Kendra Roberson

4 Phone: 253-830-4910

5 Address: 20 N. Tacoma Ave. #B, Tacoma, WA 98403

6 Dr. Roberson may have relevant information relating to damages and the type of injuries  
7 suffered by Plaintiff Riley as a result of her employment with and treatment by the Defendant.

8 4. Treating Physicians for Dawn Carroll

9 a. June Betsch, MD

10 Dr. Betsch may have relevant information relating to damages and the type of injuries  
11 suffered by Plaintiff Carroll as a result of her employment with and treatment by the Defendant

12 b. Dr. Joseph Lee, Overlake Medical

13 Dr. Lee may have relevant information relating to damages and the type of injuries  
14 suffered by Plaintiff Carroll as a result of her employment with and treatment by the Defendant

15 B. Categories of Documents

16 1. Plaintiffs have in their possession a termination of employment letter from UW.

17 2. Plaintiffs have in their possession a First Written Warning memo from UW.

18 3. Plaintiffs have in their possession a UW Material Handling Equipment Operator Post-  
19 Incident Refresher Training / Evaluation form.

20 4. Plaintiffs have in their possession correspondence from EEOC.

21 5. Plaintiffs have in their possession UW Stocking Summary printouts.

22 6. Plaintiffs have in their possession UW Receiving by User printouts.

23 7. Plaintiffs have in their possession follow-up instructions from St. Joseph Medical  
24 Center following emergency care treatment.

25 8. Plaintiffs have in their possession a written statement of Pete Mascaro.

- 1 9. Plaintiffs have in their possession a written statement of Kelly Hohmann.
- 2 10. Plaintiffs have in their possession a written statement of Sang Son.
- 3 11. Plaintiffs have in their possession chart copies following visits to Dr. John R. Sashko.
- 4 12. Plaintiffs have in his possession a written statement of Javier Zuniga.
- 5 13. Plaintiffs have in his possession a document prepared by UW outlining Plaintiff's
- 6 concerns and the actions taken by UW.
- 7 14. Plaintiffs have in their possession a Charge of Discrimination form.
- 8 15. Plaintiffs have in their possession a Request for a Family or Medical Leave of
- 9 Absence form.
- 10 16. Plaintiffs have in their possession a filled out UW Near Miss Incident Investigation
- 11 Report form.
- 12 17. Plaintiffs have in their possession AIMS 4.2.1 printout reports.
- 13 18. Plaintiffs have in their possession a written statement.
- 14 19. Plaintiff have in their possession Stocking by User printouts.
- 15 20. Plaintiff have in their possession a written statement of Jocelyn Marshall.
- 16 21. Plaintiffs have electronically stored information (emails) relating to this case.

17 **Attached:**

- 18 22. Email of 2/13/08 from Sean O'Laughlin
- 19 23. Email of 1/14/08 from Ralph Robinson to Peter Celms
- 20 24. Letter of 1/10/08 from Lt. Pete Celms to Doug Parish
- 21 25. Email of 2/23/08 from Doug Parish to Anneke Szyperski
- 22 26. Email chain of 1/6/04 between Amy Hawkins, Annette Spicuzza and Caroline Currin
- 23 27. Interdepartmental Letter of May 29, 2008
- 24 28. Letter of 5/22/08 from Doug Parish to Asst. Chief Ralph Robinson
- 25 29. Interdepartmental Letter of 1/31/08 from Ralph Robinson to Doug Parish

- 1 30. UW Police Department Performance Note completed by Sean O'Laughlin May 2008
- 2 31. Email chain of 5/22/07 from Vicky Stormo
- 3 32. Letter of 5/6/08 from Doug Parish to Ralph Robinson
- 4 33. Email of 1/16/04 from Karen Jacobson to Doug Parish
- 5 34. Email of 1/9/04 from Richard Lewis to Doug Parish
- 6 35. Email chain of 2/24/04 beginning with email from Emmet Stormo

7 **More Documents**

8 **36. Plaintiffs' employment records (with the UW) are held in the office of In PACTA.**

9 **These were provided by the University of Washington. They may or may not be**  
10 **complete.**

11 37. Many of the Documents that the Plaintiffs have were provided to them by the  
12 Defendant. Perhaps the best way to determine what information each Party must disclose and  
13 provide to the others will be by way of an email/phone/document log which I would suggest both  
14 sides work on immediately so we can both identify what we do or do not have.

15 38. Plaintiffs have their tort claim forms at the Office of IN PACTA. The Defendant also  
16 has these forms.

17 39. Plaintiffs or their attorneys are in possession of various pictures, documents, letters  
18 and other information regarding this case.

19 40. Plaintiffs reserve the right to update this list and provide additional information.

21 **C. Computation of Damages**

- 23 1. \$55,000.00 to Plaintiff April Lesho for lost wages and benefits.
- 24 2. \$350,000.00 to Plaintiff April Lesho for noneconomic damages.
- 25 3. \$350,000.00 to Plaintiff April Lesho for punitive damages.
- 26 4. \$350,000.00 to Plaintiff Robyn Riley for noneconomic damages.

- 1 5. \$350,000.00 to Plaintiff Robyn Riley for punitive damages.
- 2 6. \$350,000.00 to Plaintiff Eddie West for noneconomic damages.
- 3 7. \$350,000.00 to Plaintiff Eddie West for punitive damages.
- 4 8. \$55,000.00 to Plaintiff Dawn Carroll for lost wages and benefits
- 5 9. \$350,000.00 to Plaintiff Dawn Carroll for noneconomic damages.
- 6 10. \$350,000.00 to Plaintiff Dawn Carroll for punitive damages.
- 7 11. \$350,000.00 to Plaintiff Doug Parish for noneconomic damages.
- 8 12. \$350,000.00 to Plaintiff Doug Parish for punitive damages.
- 9 13. \$350,000.00 to Plaintiff Andrew Cohen for noneconomic damages.
- 10 14. \$350,000.00 to Plaintiff Andrew Cohen for punitive damages.

11 Total: \$4,300,000.00

12 Plus Plaintiff's Attorney's Fees and Costs: TBD

13 Plaintiff Reserves the right to adjust the Computation and Damage Demand upwards or  
14 downwards based on the evidence presented.

16 Dated this 5<sup>th</sup> day of January, 2009.

18 IN PACTA PLLC

20   
21 Noah C. Davis, WSBA#30939  
22 801 2<sup>nd</sup> AVE Ste 307  
23 Seattle WA 98104  
24 Ph. 206.734.3753  
Fx. 206.860.0178  
em. [nd@inpacta.com](mailto:nd@inpacta.com)  
http: [www.inpacta.com](http://www.inpacta.com)

## **CERTIFICATE OF SERVICE**

I, Noah Davis certify that I caused a copy of the foregoing to be delivered on the attorneys for the Defendant at the regular address thereof on 1/5/09:

ANDREW COOLEY  
JAYNE FREEMAN  
800 5th Ave Ste 4141  
Seattle, WA 98104-3189

Dated this 5<sup>th</sup> day of January, 2009, at Seattle, Washington.

Noah Davis, WSBA#30939  
801 2<sup>nd</sup> AVE Ste 307  
Seattle WA 98104  
Ph. 206.734.3753  
Fx. 206.860.0178  
em. [nd@inpacta.com](mailto:nd@inpacta.com)  
<http://www.inpacta.com>

**PLAINTIFFS INITIAL DISCLOSURES**  
**Carroll et. al. v. UW**

**IN PACTA PLLC**  
801 2<sup>ND</sup> AVE STE 307  
Seattle, Washington 98104  
Telephone (206) 709-8281  
Facsimile (206) 860-0178

## **EXHIBIT B**

**Noah Davis**

---

**From:** Adam L. Rosenberg [arosenberg@kbmlawyers.com]  
**Sent:** Thursday, February 25, 2010 12:14 PM  
**To:** nd@inpacta.com  
**Cc:** Andrew G. Cooley; Jayne L. Freeman  
**Subject:** Cohen et al. v. University of Washington

Noah,

Please immediately produce the Statements of Pete Mascaro, Kelly Hohman, Sang Son, Javier Zuniga, and Jocelyn Marshall, as well as the "termination of employment letter from UW" (Initial Disclosure No. 1), "unidentified written statement" (Initial Disclosure No. 18), and various picture, documents, letters, and other information (Initial Disclosure No. 39). All of these documents were listed by the plaintiffs in initial disclosures, and subsequently requested by the UW through written discovery. It appears that they have not been produced.

If it would be easier, feel free to scan and email the documents to me. If nothing is received, we will be calling your office on **Monday, March 1st, at 9:00** to discuss, and if necessary, seeking guidance from the Court. Thank you for your anticipated cooperation.

Best regards,

Adam

Adam L. Rosenberg  
Keating Bucklin & McCormack, Inc., P.S.  
800 5th Avenue, Suite 4141  
Seattle, Washington 98104-3175  
[arosenberg@kbmlawyers.com](mailto:arosenberg@kbmlawyers.com)  
[www.kbmlawyers.com](http://www.kbmlawyers.com)  
Direct: 206.623.8861  
Fax: 206.223.9423

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**Noah Davis**

---

**From:** Adam L. Rosenberg [mailto:[aaronberg@kbmlawyers.com](mailto:aaronberg@kbmlawyers.com)]  
**Sent:** Thursday, February 25, 2010 12:42 PM  
**To:** Noah Davis  
**Cc:** Andrew G. Cooley; Jayne L. Freeman; Jason Amala  
**Subject:** RE: Cohen et al. v. University of Washington

That's fine. If the documents can be provided sooner, you can disregard the conference. Otherwise, we'll be in touch on the 3rd at 10:00 am.

Thanks,

*Adam*

---

**From:** Noah Davis [mailto:[nd@inpacta.com](mailto:nd@inpacta.com)]  
**Sent:** Thursday, February 25, 2010 12:21 PM  
**To:** Adam L. Rosenberg  
**Cc:** Andrew G. Cooley; Jayne L. Freeman; 'Jason Amala'  
**Subject:** RE: Cohen et al. v. University of Washington

I believe Jason may have these documents, but we will check the files at my office as well to see when produced or, if inadvertently not produced, when we can produce. Let's schedule March 3<sup>rd</sup> at 10am for a follow up 26(i) on this.

Thank you,

**Noah Davis, Esq | IN PACTA Lawyers PLLC**  
■ 206.709.8281 | F 206.860.0178  
■ 206.734.3753 (Direct) | Ext 101  
✉ [nd@inpacta.com](mailto:nd@inpacta.com) | [www.inpacta.com](http://www.inpacta.com)  
801 2nd Ave | Ste 307 | Seattle WA 98104

---

**From:** Adam L. Rosenberg [mailto:[aaronberg@kbmlawyers.com](mailto:aaronberg@kbmlawyers.com)]  
**Sent:** Thursday, February 25, 2010 12:14 PM  
**To:** [nd@inpacta.com](mailto:nd@inpacta.com)  
**Cc:** Andrew G. Cooley; Jayne L. Freeman  
**Subject:** Cohen et al. v. University of Washington

Noah,

Please immediately produce the Statements of Pete Mascaro, Kelly Hohman, Sang Son, Javier Zuniga, and Jocelyn Marshall, as well as the "termination of employment letter from UW" (Initial Disclosure No. 1), "unidentified written statement" (Initial Disclosure No. 18), and various picture, documents, letters, and other information (Initial Disclosure No. 39). All of these documents were listed by the plaintiffs in initial disclosures, and subsequently requested by the UW through written discovery. It appears that they have not been produced.

If it would be easier, feel free to scan and email the documents to me. If nothing is received, we will be calling your office on **Monday, March 1st, at 9:00** to discuss, and if necessary, seeking guidance from the Court. Thank you for your anticipated cooperation.

Best regards,

Adam

Adam L. Rosenberg  
Keating Bucklin & McCormack, Inc., P.S.  
800 5th Avenue, Suite 4141  
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[a.rosenberg@kbmlawyers.com](mailto:a.rosenberg@kbmlawyers.com)  
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Fax: 206.223.9423

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**Noah Davis**

---

**From:** Adam L. Rosenberg [arosenberg@kbmlawyers.com]  
**Sent:** Wednesday, March 03, 2010 9:29 AM  
**To:** Noah Davis  
**Cc:** Jason Amala; Jayne L. Freeman; Andrew G. Cooley  
**Subject:** RE: Conference Regarding initial disclosures

Noah,

We still need to have the conference today, at the time you proposed. We can discuss the timing of production and/or a briefing schedule that would accommodate you.

Thanks,

*Adam*

---

**From:** Noah Davis [mailto:[nd@inpacta.com](mailto:nd@inpacta.com)]  
**Sent:** Wednesday, March 03, 2010 9:19 AM  
**To:** Adam L. Rosenberg  
**Cc:** 'Jason Amala'  
**Subject:** Conference Regarding initial disclosures

Hi Adam,

I am still trying to identify the exact documents for you (and the date stamp number where they would appear from the collection of documents that were copied and produced to you). Because I have a filing deadline today, tomorrow, Friday and Monday (yes, four in a row), I would respectfully request that I be given until Tuesday at 12:00 to track these documents down.

If I can review them over the weekend, I will, and get them to you on Sunday/Monday.

Would you be amenable to this?

**Noah Davis, Esq | IN PACTA Lawyers PLLC**  
✉ 206.709.8281 | F 206.860.0178  
✉ 206.734.3753 (Direct) | Ext 101  
✉ [nd@inpacta.com](mailto:nd@inpacta.com) | [www.inpacta.com](http://www.inpacta.com)  
801 2nd Ave | Ste 307 | Seattle WA 98104

**Noah Davis**

---

**From:** Adam L. Rosenberg [arosenberg@kbmlawyers.com]  
**Sent:** Wednesday, March 03, 2010 9:56 AM  
**To:** Noah Davis  
**Cc:** Jason Amala; Andrew G. Cooley; Jayne L. Freeman  
**Subject:** RE: Conference Regarding initial disclosures

Noah,

The following is my understanding of our Rule 26 conference:

The University is seeking the documents discussed in our prior emails (e.g., written statements, termination letter, various pictures and documents, etc.). You were unsure who these people were, but agreed to re-check the disclosures in hopes of figuring it out. Many of those documents, as I understood it, are split between Seattle and Tacoma, and with Jason's office. They will be transferred to you shortly. Because of filing deadlines in other cases, you suggested that you would be able to produce these documents, to the extent that they exist, by Tuesday (March 9th). I agreed to confer with the University as to the necessity of a motion.

Please advise if this misstates our discussion.

Best regards,

*Adam*

---

**From:** Noah Davis [mailto:[nd@inpacta.com](mailto:nd@inpacta.com)]  
**Sent:** Wednesday, March 03, 2010 9:19 AM  
**To:** Adam L. Rosenberg  
**Cc:** 'Jason Amala'  
**Subject:** Conference Regarding initial disclosures

Hi Adam,

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Would you be amenable to this?

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nd@inpacta.com | [www.inpacta.com](http://www.inpacta.com)  
801 2nd Ave | Ste 307 | Seattle WA 98104

**Noah Davis**

---

**From:** Adam L. Rosenberg [mailto:[aaronberg@kbmlawyers.com](mailto:aaronberg@kbmlawyers.com)]  
**Sent:** Wednesday, March 03, 2010 1:19 PM  
**To:** Noah Davis  
**Cc:** Jason Amala; Andrew G. Cooley; Jayne L. Freeman  
**Subject:** RE: Conference Regarding initial disclosures

Noah -

We can agree to hold off on a motion until next week. Please, by then, either produce what you have or confirm that the disclosure was some kind of typographical error. If we can get a resolution by next Tuesday, I don't foresee any reason to burden the Court.

Thanks,

*Adam*

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**From:** Noah Davis [mailto:[nd@inpacta.com](mailto:nd@inpacta.com)]  
**Sent:** Wednesday, March 03, 2010 1:15 PM  
**To:** Adam L. Rosenberg  
**Cc:** 'Jason Amala'; Andrew G. Cooley; Jayne L. Freeman  
**Subject:** RE: Conference Regarding initial disclosures

That's a fair assessment, though I also stated that I believe that everything listed in the disclosures had been produced, and I asked for an opportunity to review our bate stamped copy of the same to see if there was something missing, or else, erroneously evidenced in the disclosure. And with current filing deadlines in other cases, I asked that you provide me until Tuesday at 12:00 for our answer.

Your response was courteous and also seemingly desirous of us avoiding an unnecessary motion to compel; instead providing me the chance to verify the contents of our documents so we can figure out what went wrong.

Thanks Adam.

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**From:** Adam L. Rosenberg [mailto:[aaronberg@kbmlawyers.com](mailto:aaronberg@kbmlawyers.com)]  
**Sent:** Wednesday, March 03, 2010 9:56 AM  
**To:** Noah Davis  
**Cc:** Jason Amala; Andrew G. Cooley; Jayne L. Freeman  
**Subject:** RE: Conference Regarding initial disclosures

Noah,

The following is my understanding of our Rule 26 conference:

Case 2:08-cv-01498-TSZ Document 61 Filed 03/22/2010 Page 40 of 41  
The University is seeking the documents discussed in our prior emails (e.g., written statements, termination letter, various pictures and documents, etc.). You were unsure who these people were, but agreed to re-check the disclosures in hopes of figuring it out. Many of those documents, as I understood it, are split between Seattle and Tacoma, and with Jason's office. They will be transferred to you shortly. Because of filing deadlines in other cases, you suggested that you would be able to produce these documents, to the extent that they exist, by Tuesday (March 9th). I agreed to confer with the University as to the necessity of a motion.

Please advise if this misstates our discussion.

Best regards,

*Adam*

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**From:** Noah Davis [mailto:[nd@inpacta.com](mailto:nd@inpacta.com)]  
**Sent:** Wednesday, March 03, 2010 9:19 AM  
**To:** Adam L. Rosenberg  
**Cc:** 'Jason Amala'  
**Subject:** Conference Regarding initial disclosures

Hi Adam,

I am still trying to identify the exact documents for you (and the date stamp number where they would appear from the collection of documents that were copied and produced to you). Because I have a filing deadline today, tomorrow, Friday and Monday (yes, four in a row), I would respectfully request that I be given until Tuesday at 12:00 to track these documents down.

If I can review them over the weekend, I will, and get them to you on Sunday/Monday.

Would you be amenable to this?

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**Noah Davis**

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**From:** Adam L. Rosenberg [arosenberg@kbmlawyers.com]  
**Sent:** Wednesday, March 10, 2010 11:44 AM  
**To:** Noah Davis  
**Cc:** Jason Amala; Andrew G. Cooley; Jayne L. Freeman  
**Subject:** RE: Carroll v. UW

Noah,

It would probably be cleanest if you amended your initial disclosures and deleted the nonexistent witnesses/documents. That way, we won't run into any problems down the road where we need to dig through correspondence to figure out what's still in the case. If you could get an amended document to us by noon tomorrow, that would be fine (it should only be a matter of highlighting, deleting, and re-signing). Email service is ok if easier.

As far as No.'s 18 and 39, please do provide us with the Bates numbers, just to confirm that we have everything that you consider "disclosed." Again, noon tomorrow would be fine.

Please confirm that you are agreeable to this.

Thanks,

*Adam*

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**From:** Noah Davis [mailto:[nd@inpacta.com](mailto:nd@inpacta.com)]  
**Sent:** Wednesday, March 10, 2010 11:35 AM  
**To:** Adam L. Rosenberg  
**Cc:** 'Jason Amala'  
**Subject:** RE: Carroll v. UW

Adam,

Preliminarily, I am not finding any reference to Pete Mascaro, Kelly Hohman, Sang Son, Javier Zuniga and Jocelyn Marshall. Thus, I am not sure where I saw those names/records.

Depending on how you all would like me to approach this, I can amend the initial disclosures to remove those names and take care of that issue.

However, I believe that the remaining documents (ID No. 18, (ID No. 39) were turned over to the UW (i.e. you, their attorneys) in the documents that were copied from my office. However, what I am trying to do is get you exact bate stamp numbers, since the descriptions are understandably general.

I am also reviewing our records to see if there is anything else missing from our disclosures and our production of discovery to you.

Thanks Adam,

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